

**New Shoreham Town Council Meeting
Town Hall, Old Town Road, Block Island
Wednesday, May 1, 2013
7:00 p.m.**

Present: First Warden Kimberley H. Gaffett, Second Warden Kenneth C. Lacoste, Town Councilor Sean McGarry, Town Councilor Norris Pike and Town Councilor Christopher Warfel. Also present was Town Manager Nancy O. Dodge. Town Clerk Fiona Fitzpatrick took the minutes of the meeting.

First Warden Kimberley H. Gaffett called the meeting to order at 7:00 p.m.

Warden's Report First Warden Gaffett reported the RI Department of Environmental Management and Army Corps of Engineers will hold a meeting at Town Hall on May 8, 2013 to take comment on Deepwater Wind's application; the CRMC Ocean SAMP will hear motions to intervene on Tuesday May 28 in Providence; the Town received correspondence from the Rhode Island Department of Transportation that they are evaluating the Cyr's application for an easement over DOT property to make the Surf Hotel more accessible; the 27th annual beach clean-up sponsored by the Committee for Great Salt Pond Beach will be May 11. Mr. Lacoste asked those present to remember Peter Monje, a wonderful man who passed away far too soon. The Monj was a husband and father of two who served his community as Town Moderator and Captain of the Rescue Squad, among many other accomplishments.

Public Input The Town Manager reported Ocean Avenue will be repaved next spring. The road needs drainage improvement and the sewer force main may be replaced next fall. Chris Blane asked that the Council arrange for a parking ban from the Narragansett Inn to Champlin's Marina on West Side Road to prevent pedestrian traffic in the road. He also suggested that Lester Dodge's monument to Trustam Dodge be moved across Corn Neck Road to the newly preserved Solveiken property.

1. Continued Public Hearing: Proposed Amendment to New Shoreham's Revised Ordinances: Motor Vehicles for Hire

The proposed ordinance was requested and submitted by Attorney Erik Wallin. The public hearing was opened March 20, 2013 and continued to May 1, 2013. Attorney Wallin sent a letter withdrawing the request to amend the ordinance. Motor Vehicles for Hire Commission Chair Vin McAloon was present and said the Commission would be willing to consider the matter in the future.

At 7:12, Mr. Pike moved, seconded by Ms. Gaffett, to take no action and close the public hearing.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

2. Tabled Items:

- Receive and act on Building Official memo re: enforcement of TNS Zoning Ordinance and Building Codes on P5 L81 (Dulac), and P18 L43 (Roll)

Judy and Maurice Dulac were present. Building Official Marc Tillson was also present. Councilor Pike reported he spoke with Mr. Dulac, who promised to move a shed on his property by June 1, 2013. Mr. and Mrs. Dulac thanked the Town Council. Questioned during discussion, Mr. Tillson said the property has been issued another notice of violation for a junkyard.

Mr. Pike moved to table the item and stay action on the junkyard to the Council's meeting on June 3, 2013 to allow the Dulacs to resolve their issues by June 1, 2013, seconded by Mr. Warfel.

Ayes: 4 (Gaffett, Lacoste, Pike, Warfel)

Nays: 1 (McGarry)

No one was present for Jeremy Roll. The First Warden said she left messages which were not returned before the meeting. The Building Official said Ms. Roll came in to Town Hall to discuss the Zoning issues. There are two dwellings on the property, so it is nonconforming by use. An addition was built without building permits or zoning approval. The addition is about three feet from the property line.

Mr. McGarry moved, seconded by Mr. Lacoste, to authorize the Town Solicitor to begin the enforcement proceedings.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

• Receive and act on requests for Town of New Shoreham sponsorship of non-profit fund raiser: Block Island Health Services, Inc. – Fun Run

The Town Manager said BIHS will need an insurance certificate naming the Town as certificate holder to use the beach for a fun run.

First Warden Gaffett moved to authorize Block Island Health Services to hold a fundraising fun run at the Town Beach pending receipt of Certificate of Insurance, and to grant Town sponsorship for the event. The motion was seconded by Second Warden Lacoste.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

3. Receive and act on recommendations of the Commission on Motor Vehicle for Hire:

• License renewals

First Warden Gaffett recused and stepped away from the table. Mr. McGarry suggested requiring applicants provide a certificate of good standing beginning next year.

Second Warden Lacoste moved to grant taxi licenses for 2013-2014 license year to Martha Ball, Margaret Berlin, Victoria Carson, Judy Clark, Muriel Clark, Gloria Hall Daubert, Mary Donnelly, Marcel Dulac, Mark Emmanuelle, Nat Gaffett, Richard Gann, Jon Grant, Geoffrey Hall, Deborah Hart, Monica Hull-Shea, Frederick Leeder III, Vincent McAloon, Timothy McCabe, Edward McGovern, Frances Migliaccio, Florence Millikin, William Millikin, Frank Nicastro, Christopher O'Neill, Cathy Payne, Henry Peterson, Maureen Quackenbush, James Rondinone, David Schaller, Sue Ann Shaw, Michael Shea and Champlin Starr, all pending receipt of appropriate licensing fees, certificates of insurance naming the Town of New Shoreham as certificate holder, appropriate approvals by the NSPD and with the stipulation that drivers state rates to passengers prior to departure. Motion was seconded by Mr. Pike.

Ayes: 4 (Lacoste, McGarry, Pike, Warfel) Nays: 0 Recuse: 1 (Gaffett)

Ms. Gaffett returned to the table.

Ms. Gaffett moved, seconded by Mr. Pike, to grant New Shoreham Charter Bus licenses for 2012-2013 to William McCombe and Howard Rice pending receipt of appropriate licensing fees, certificate of insurance naming the Town of New Shoreham as certificate holder, and appropriate approvals by the New Shoreham Police Department.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

• Motor Vehicle for Hire Waiting lists

Ms. Gaffett moved, seconded by Mr. Pike, to accept the taxi waiting list as forwarded by the MVFH Commission with the addition of James Murphy as first on the waiting list, as follows: 1. James Murphy; 2. Don Thimble; 3. Fiona Fitzpatrick; 4. Laurie McTeague; 5. Charles Douglas; 6. Lila DelPadre; 7. Clifford McGinnes, Jr.; 8. Shirleyne J. Gubern; 9. Douglas Michel; 10. Barbara Michel; 11. Richard Tretheway; 12. Patricia Tretheway; 13. Brian Neville; 14. Mark Helterline; 15. Celeste Helterline; 16. John H. Tripler; 17. Janet Ziegler; 18. Nancy Greenaway; 19. Virginia Milner; 20. David Milner; 21. John Cullen; 22. Mimi Leveille; 23. Patrick Evans; 24. David Brennan; 25. Thomas Durden; 26. Ann Hall; 27. Glen Hall; 28. Christopher Lischke; 29. Robert J. Rose; 30. Edith Blane; 31. Geoffrey Ernst; 32. Jordan Ryan.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Second Warden Lacoste moved to accept the bus waiting list of one person: Patrick Evans. Motion seconded by Mr. Pike.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

- Taxi rates

MVFH Chair Vincent McAloon was present and explained the Commission's recommendations regarding changes to the taxi rates.

- Clarify on the rate sheet that tax is not included
- Reduce the "short hops" in the colored zones from \$9 to \$6
- A new \$5 charge to pick up freight at the ferry, no waiting charge

James Rondinone spoke in favor of a different plan, endorsed earlier by the MVFH Commission, which would increase the base fare outside the colored zone from \$10 to \$11 and add the words "tax included" to the rate sheet. Discussion ensued. There were many taxi owners and drivers in the audience and they spoke for both plans.

Mr. McGarry moved, seconded by Mr. Warfel, to accept the recommendation of the Commission on Motor Vehicles for Hire to keep the basic rate and not increase, to clarify on the rate sheet that tax is not included, and to decrease "short hops" in the colored zones from \$9 to \$6 and institute a freight pickup charge of \$5.

Ayes: 4 (Gaffett, McGarry, Pike, Warfel) Nays: 1 (Lacoste)

4. Discuss and provide guidance to the Town solicitor re: proposed changes to the TNS Ordinance, Article V - Hawkers, Peddlers and Itinerant Vendors

Mr. Lacoste moved to table the item to a work session, seconded by Mr. Warfel.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

5. Discussion and act on proposal to create a TNS Infrastructure Committee

Mr. Warfel said the process for bringing capital projects into the budget needs to be improved. He suggests a group of volunteers with specialized knowledge, skill and talent could be a resource for the Town Manager/Public Works Director and Planning Board in consistently assessing the Town's infrastructure and determining what should be capitalized. Key skills discussed included construction costing analysis and assessment, building code, mechanical design, energy efficiency, technology upgrades, finance, architectural engineering, operations and maintenance of buildings, facility assessment (building envelope upgrades, mechanical, electrical, water, sewer, interior, other). Mr. Pike said Town buildings should be assessed and a maintenance schedule developed.

First Warden Gaffett move to form an infrastructure committee, and draft a request for members of the public to express their interest by June 1, 2013. The motion was seconded by Mr. Warfel.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

6. Authorize Town Manager to award bids for Beach Pavilion repairs

Town Manager Dodge reported no bids were received. She suggested hiring a firm that works for the Town's insurance carrier to do the work. The Town's insurance carrier will pay C & L Builders who are available to start Monday. She also reported Roofing Unlimited will finish the roof work tomorrow; Briggs continues to remove the sand from under the building, the parking lot clean up continues. The Council directed the Town Manager to take the next steps for C & L Builders to begin repairs.

7. Town Manager report on town's ability to participate in state energy grants

Mr. Warfel stepped away from the table and recused himself. The Town Manager reported she had received conflicting opinions regarding whether the PUC must rule on the Town's ability to participate in state energy grants through the Renewable Energy Fund. Discussion ensued. The Town Manager will make a formal request of the PUC for such a ruling.

8. Boards, Committees, and Commissions:

- act on Sewer Commission appointments

Councilor Pike moved to reappoint Wayne Battey to a five year term on the Sewer Commission and to reappoint Alan Mackay and Steve Draper to one year terms as alternate members. Second Warden Lacoste seconded the motion.

Ayes: 4 (Gaffett, Lacoste, McGarry, Pike) Nays: 1 (Warfel)

• act on Water Board appointments

Second Warden Lacoste moved to reappoint Wayne Battey to a five year term on the Water Board and to reappoint Alan Mackay and Steve Draper to one year terms as alternate members. Motion seconded by Mr. Pike.

Ayes: 4 (Gaffett, Lacoste, McGarry, Pike)

Nays: 1 (Warfel)

• announce Board, Committee and Commission openings

There are no openings on boards, committees or commissions.

9. Act on 2013 Shellfish Seasonal Closure

First Warden Gaffett moved, seconded by Mr. Warfel, to adopt the 2013 shellfish seasonal closure notice as presented.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

10. Receive and act on The Storm Trysail Club letter re: special temporary permit for portable office trailers

Ms. Gaffett moved, seconded by Mr. Lacoste, to grant the Storm Trysail Club a special temporary permit as requested in their letter of April 16, 2013.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

11. Receive and act on TNS Board of Tax Assessors letter re: abatement to the Property Tax roll

First Warden Gaffett moved, seconded by Mr. Pike, to accept the recommendation of the Board of Tax Assessors to abate the Property Tax rolls in accordance with their letter of April 10, 2012.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

12. Receive and act on Linda Closter letter re: renaming Pole Harbor Park

Mr. McGarry and Ms. Gaffett recused and stepped away from the table. Discussion ensued.

Mr. Lacoste moved, seconded by Mr. Pike, to rename Pole Harbor Park in honor of Mary Donnelly.

Ayes: 3 (Lacoste, Pike, Warfel)

Nays: 0

Recuse: 2 (Gaffett, McGarry)

13. Receive and act on G. Rigby-Leather letter re: application for a zoning modification permit on P3 L140 (Mansion Rd.)

No action was needed or taken.

14. Correspondence: Betsy Theve re: Senior Activities Coordinator; Jean Valentine re: Senior Activities Coordinator; New Shoreham Democratic Town Committee re: financial support of the BI Medical Center

No action was needed or taken.

15. Minutes: April 1, 2013; April 17, 2013 (open and closed)

A motion to approve the minutes as amended was made by First Warden Gaffett and seconded by Mr. Warfel.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel)

Nays: 0

Minutes approved May 15, 2013

Fiona Fitzpatrick,
Town Clerk